

REMARKS

Entry of the foregoing, re-examination and reconsideration of the subject matter identified in caption, as amended, pursuant to and consistent with 37 C.F.R. §1.116, and in light of the remarks which follow, are respectfully requested.

Claims 39-42, 44 and 45 have been amended for purposes of clarification. Claims 39-49 remain pending in this application.

Claims 44-49 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement for the reasons set forth in paragraph (1) of the Final Rejection. Reconsideration and withdrawal of this rejection is respectfully requested for at least the following reasons.

In the Advisory Action, the Examiner maintains his position that the terminology used in claims 44 and 45 concerning the ratio of true dimer units to total isocyanate functions is not supported by the disclosure. Respectfully, Applicants disagree. However, claims 44 and 45 have now been amended in an attempt to address the Examiner's concerns.

In the PCT application corresponding to the present application, i.e., WO 99/07765, the following statement is set forth on page 18, line 12: "motifs dimères vrais/total des fonctions isocyanates $\leq 30\%$ ". This literally translates to: --true dimer units/total isocyanate functions $\leq 30\%$. The language on page 20, lines 5 and 6 of the specification, when coupled with the statement following on page 20, lines 7 and 8, would clearly convey to those of ordinary skill that "total true dimer units in the isocyanate functions $\leq 30\%$ " refers to a ratio.

The terminology in claims 44 and 45 has been amended to specify that the ratio of true dimer units/isocyanate functions is $\leq 30\%$. Applicants will amend page 20, line 5, of the specification by replacing the words "in the" with a slash (/) pending the Examiner's approval.

The rejections of claims 39-43 under 35 U.S.C. §112, first paragraph, for the reasons set forth in paragraphs (2) and (3) of the Final Rejection have been maintained as discussed in the attachment to the Advisory Action. Applicants submit the following comments in response thereto.

Confusion may have resulted from comments made in Applicants' Response filed September 19, 2005, referring to a cyclotrimerization reaction which resulted in biuretization (page 3). The present specification refers to tricondensate polyfunctional isocyanates (TPIs) which include trimers obtained by (cyclo)trimerization of three isocyanate molecules (see paragraph (0004) of published Application No. 2004/0106762 corresponding to page 1, lines 14-21) and trimers containing biuret units obtained by trimerization of three isocyanate molecules in the presence of water and a catalyst as disclosed in FR 2,603,278 (see paragraph (0005)).

FR '278 corresponds to Application No. FR 86/12524 referred to in Example 12 on page 39 of the present specification and also corresponds to U.S. Patent No. 5,103,045. The method disclosed therein results in trimerization of a diisocyanate to form a polyisocyanate containing a biuret group. Thus, catalyzed (cyclo)trimerization of three moles of a diisocyanate yields a polyisocyanate cyclic trimer containing an isocyanurate group while trimerization using a different catalyst yields a biuret polyisocyanate trimer.

The specification refers to aspects of the present invention wherein a dimerization is conducted in the absence of a dimerization catalyst and a trimer (TPI) is prepared by (cyclo)condensation to form cyclic condensates containing an isocyanurate ring or by biuretization to form a trimer containing a biuret unit (e.g., formula VIII in paragraph [0124] of the specification. Note paragraphs [0111] to [0121].

Claims 39-42 have been amended to clarify that the trimer contains an isocyanurate group or a biuret group or mixtures thereof, and that the reaction conditions used to form the trimer include a (cyclo)trimerization catalyst to yield an isocyanurate trimer or a biuretization catalyst to yield a biuret trimer. Claims 44 and 45 were also amended to indicate that the biuret is a trimer.

In view of the above amendments and remarks, it is requested that the §112 rejections of claims 39-43 be reconsidered and withdrawn.

Concerning the provisional obviousness-type double patenting rejection over claim 68 of Application No. 09/485,533, the Amendment canceling claim 68 in said application has now been entered.

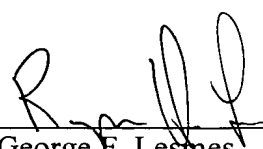
With regard to the issue discussed in item 13 of the Advisory Action, Applicants agree that the language "in the absence of dimerization catalyst" is intended to exclude any compound which would function to catalyze the dimerization reaction.

From the foregoing, entry of the present Amendment and favorable action in the form of a Notice of Allowance is believed to be next in order and such action is earnestly solicited. If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned at (703) 838-6683 at his earliest convenience.

Respectfully submitted,

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